

REMARKS


The Examiner allowed claims 9-13 and 16.

The Examiner rejected claim 14 under 35 U.S.C. § 102(e) as being anticipated by Qian, U.S. Patent No. 6,445,835. The present application names as inventors Qian and Van Beek. Enclosed is a declaration by Richard Qian indicating that he is a co-inventor of the present application, and the sole inventor of the cited reference. To the extent that the Examiner's rejection under 35 U.S.C. § 102 contends that the '835 patent to Qian discloses but does not claim an invention now claimed in the present application, the '835 patent to Qian conclusively shows Qian's possession of that presently claimed invention prior to the filing date of Qian's '835 disclosure. Hence the Examiner's rejection of claim 14 under 35 U.S.C. § 1-2(e) is overcome.

The Examiner rejected claim 15 under the judicially created doctrine of obviousness-type double patenting. Enclosed is a terminal disclaimer that overcomes the Examiner's rejection.

In view of the foregoing remarks along with the enclosed declaration and terminal disclaimer, the Applicant respectfully requests reconsideration and allowance of claims 9-16.

Respectfully submitted,



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